

**BEFORE**

**THE PUBLIC SERVICE COMMISSION OF**

**SOUTH CAROLINA**

**DOCKET NO. 2020-125-E**

In the Matter of:

Application of Dominion Energy South Carolina, Incorporated For Adjustments in the Company's Electric Rate Schedules and Tariffs (See Commission Order No. 2020-313)

**APPLICANT'S MOTION IN LIMINE TO  
PRESERVE CERTAIN OBJECTIONS TO  
PUBLIC NIGHT HEARING TESTIMONY**

Applicant Dominion Energy South Carolina, Inc. ("DESC"), by and through the undersigned counsel and pursuant to S.C. Code Ann. Regs. 103-829, hereby moves the Hearing Officer for an order preserving objections to public night hearing testimony. In support thereof, DESC would respectfully show as follows:

Pursuant to Order No. 2020-661, the Commission established a schedule to host virtual public night hearings on the evenings of November 9<sup>th</sup>, November 10<sup>th</sup>, and November 12<sup>th</sup>. Given that these hearings are open to any member of the public and virtual, and given the nature of this proceeding, DESC anticipates that the public night hearings will be well-attended. DESC further anticipates that some of the public testimony may be objectionable on the following bases:

1. Hearsay (Rule 802, SCORE);
  2. Lack of personal knowledge (Rule 602, SCORE);
  3. Improper opinion evidence offered by a non-expert witness (Rule 701, SCORE);
- and

4. Any other applicable basis to object pursuant to the South Carolina Rules of Evidence.

DESC seeks to preserve its objections to the public testimony on these bases and requests that the Hearing Officer allow these objections to be made at a later date, either at the hearing in this matter or through a written motion. If these objections are not allowed to be preserved and made at a later date, DESC (and other parties) will have to make contemporaneous objections to public witnesses' testimony, interrupting individuals speaking as a matter of public comment with technical evidentiary objections. These public witnesses are generally unrepresented by counsel and often are unsure how to respond to such objections. Allowing these objections to be preserved to be made later if necessary will allow the public witnesses to speak uninterrupted while preserving any necessary objections. This will benefit the Commission in administering an orderly public night hearing.

For this reason, DESC respectfully requests that the Commission preserve objections to public night hearing testimony and allow them to be made at a later date, not contemporaneously with the testimony. Given that the public night hearings begin on November 9<sup>th</sup>, DESC respectfully requests that the Hearing Officer issue a ruling on this Motion prior to the hearing so that DESC may proceed accordingly.

Respectfully submitted,

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November 3, 2020  
Cayce, South Carolina